



JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Moisevenko, et al.

Serial No.: 10/791,912

Filed: March 3, 2004

For: *Hot Contact Adapter for
Portable Computing Device*

Examiner: NGUYEN, Khiem M.

Art Unit: 2839

Att'y. Docket: 02EK-109365

**CERTIFICATE OF
MAILING/TRANSMISSION
(37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

transmitted by facsimile to the Patent and Trademark Office.

9-30-05
Date


Jordan Wilson

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Second Restriction Requirement mailed by the U.S. Patent and Trademark Office on September 2, 2005, Applicant elects the species shown in FIGS. 7 – 8 (Group IV).

Applicant objects to the piecemeal imposition of two restriction requirements, and traverses the Second Restriction Requirement on the ground that even if the Species are considered patentably distinct, they are similar enough that a search and examination of all of the pending claims can be made “without serious burden.” Therefore, as set forth in MPEP § 803, “the examiner must examine [the application] on the merits . . .”

Applicant identifies the following claims as reading on the elected embodiment depicted in FIGS. 7 and 8: Claims 1, 2, 4, 5, 6, 7, 8, 10, 12, 14 and 15.

September 30, 2005

Sheppard Mullin Richter & Hampton LLP
4 Embarcadero Center, 17th Floor
San Francisco, CA 94111-4106
Tel: (415) 434-9100
Fax: (415) 434-3947

Respectfully submitted,



David Schnapf
Registration No. 31,566